

Report to

10 January 2019

Report of

Head of Planning Services

Subject

Application no 18/01377/VC - 174 Aylsham Road, Norwich NR3 2HJ

Reason for referral

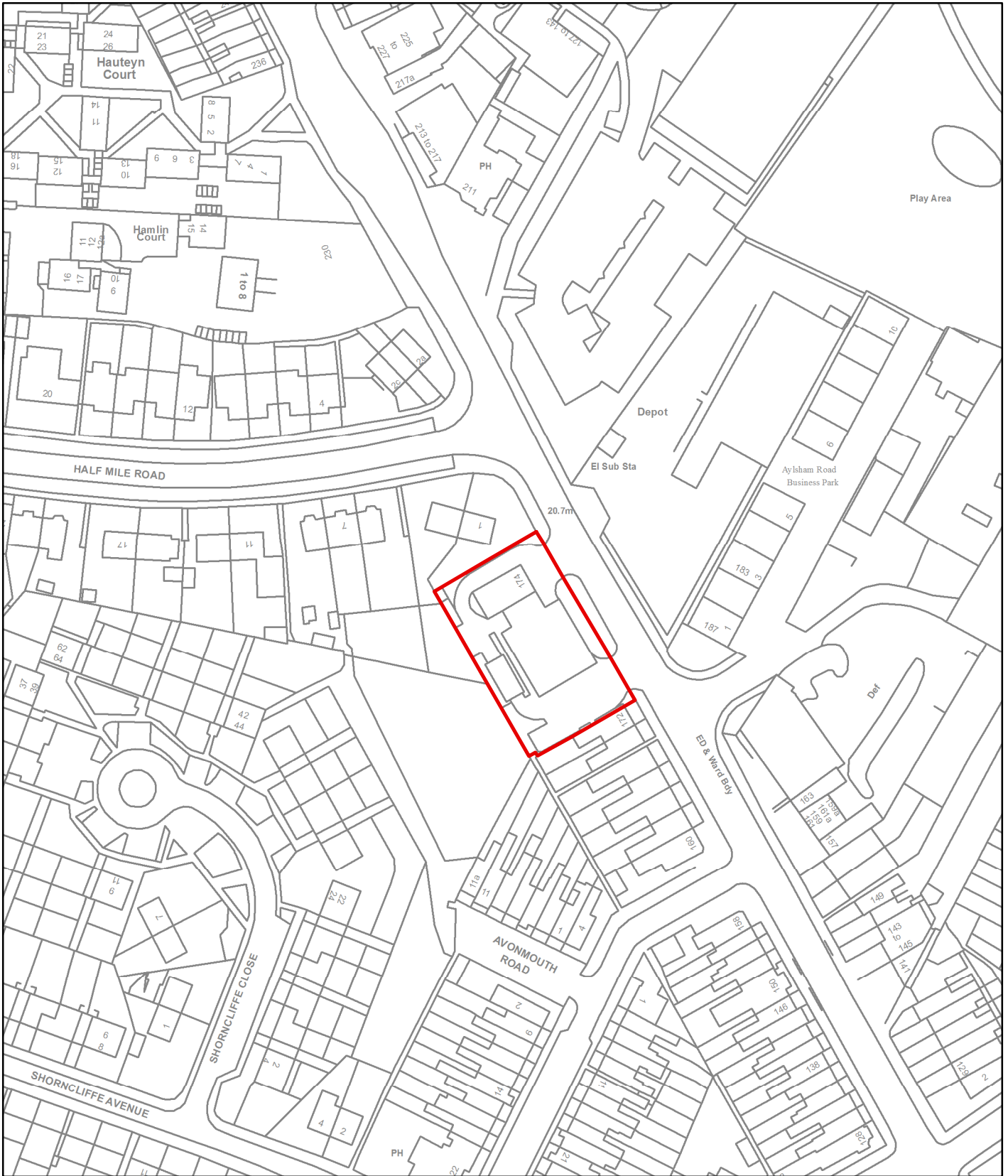
Objections

4(c)

Ward	Mile Cross
Case officer	Lara Emerson - laraemerson@norwich.gov.uk
Applicant	Motor Fuel Group Ltd

Development proposal		
Variation of Condition 8 of previous permission 17/01329/F to allow the petrol filling station to be open permanently 24hrs, 7 days a week.		
Representations		
Object	Comment	Support
8	0	0

Main issues	Key considerations
1. Amenity	Noise, disturbance, anti-social behaviour.
Expiry date	16 January 2019 (extended from 14 November 2018)
Recommendation	Approve



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Planning Application No 18/01377/VC

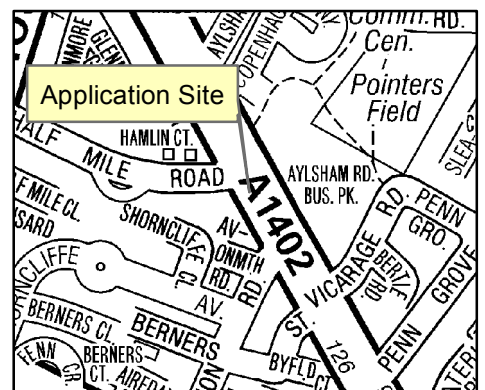
Site Address 174 Aylsham Road

Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES



The site, surroundings & constraints

1. The site sits on the west side of Aylsham Road within the Mile Cross ward to the north of the city. The site is occupied by a petrol station and small retail store.
2. The site borders with residential properties to the north (Half Mile Road), south (Aylsham Road) and west (Avonmouth Road).
3. The site sits within the Critical Drainage Area.

Relevant planning history

Ref	Proposal	Decision	Date
4/1988/1385	Two internally illuminated fascia signs.	Refused	22/12/1988
4/1988/1386	One internally illuminated gantry sign.	Refused	22/12/1988
4/1988/1340	Demolition of existing buildings and construction of new petrol filling station, tank farm, forecourt canopy car wash and shop.	Refused	22/12/1988
4/1988/1341	Demolition of existing buildings and construction of new petrol filling station, tank farm, forecourt canopy car wash and shop.	Refused	22/12/1988
4/1989/1388	1, Non-illuminated fascia signs on canopy. 2, Illuminated totem sign.	Approved	01/02/1990
4/1989/1420	Redevelopment of existing petrol filling station and workshops with construction of new petrol filling station, convenience store, enclosed car wash and screen.	Approved	26/04/1990
4/1989/1421	Redevelopment of existing petrol filling station and workshops with construction of new petrol filling station, convenience store, enclosed car wash and screen.	Approved	26/04/1990
4/1992/0936	Two illuminated fascia signs and one internally illuminated pole variable price sign.	Approved	27/01/1993
4/2000/0170	Replacement internally illuminated shop fascia sign and pole sign; two poster boards and monolith sign.	Approved	15/05/2000
16/01008/F	Retention of ATM.	Approved	31/08/2016
16/01009/A	Display of 1 No. internally illuminated ATM fascia with blue LED halo illumination to ATM surround.	Approved	16/09/2016
17/01130/VC	Removal of Condition 6: The premises the subject of this permission shall not open before 0700 hours or after 2300 hours on any day of planning permission 4/1992/0549/F.	Approved	20/09/2017
17/01329/F	Single storey north, east and west extension to retail store. Demolition of car wash and reconfiguration of site.	Approved	08/12/2017

Ref	Proposal	Decision	Date
17/01989/D	Details of condition 3: noise monitoring of planning permission 17/01130/VC (of previous planning permission 4/1992/0549/F).	Approved	16/01/2018
18/00086/D	Details of Condition 3: landscaping; Condition 4: contamination report; Condition 5: bicycle parking; Condition 7: noise report of previous permission 17/01329/F.	Approved	26/03/2018

The proposal

4. The site is operating under the permission granted by application 17/01329/VC. Condition 8 attached to this consent allows the petrol filling station to operate 24 hours a day for a period of 12 months, subject to a number of limits. One of these limits is that after the 12 month period the hours of opening revert to 7.00am to 11.00pm unless a planning application is submitted and approved allowing a longer period of opening. The application being considered by committee is such an application and seeks to allow the petrol station to continue to operate 24 hours a day on a permanent basis.

Representations

5. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation have been received citing the issues as summarised in the table below.

Issues raised	Response
Noise from traffic, customers and tannoy	See Main Issue 1: Amenity
Anti-social behaviour	See Main Issue 1: Amenity
Light disturbance	See Main Issue 1: Amenity
Traffic	The extended opening hours are not considered to lead to a significant increase in traffic.

Consultation responses

6. Consultation responses are summarised below. The full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

NCC Environmental protection

7. Following on from discussions around the method and results of the Noise Impact Assessment, the final Noise Impact Assessment has been confirmed as being appropriate. Suggest that use of the tannoy is restricted during the night for ease of reference for the operator.

NCC Transport

8. No objection on highway grounds.

Assessment of planning considerations

Relevant development plan policies

9. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM11 Protecting against environmental hazards

Other material considerations

10. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- Section 12 Achieving well-designed places
 - Section 15 Conserving and enhancing the natural environment

Case Assessment

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework, the Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Amenity

12. Key policies and NPPF paragraphs – DM2, DM11, NPPF Section 5.
13. The site is located in a residential area with 172 Aylsham Road and 1 Half Mile Road being the closest dwellings. The gable end wall of 172 Aylsham Road immediately abuts the site on its southern boundary, and the garden has a high brick wall and fence running along the boundary. 1 Half Mile Road is 3m from the northern site boundary and has a 1.8m high fence running along the boundary between its garden and the application site.
14. The site must therefore operate in such a way so as not to cause significant detriment to the amenities of surrounding residential occupants.
15. The site currently is permitted to operate for 24 hours with no restrictions between 7.00am-11.00pm and with the following restrictions between 11.00pm and 7.00am:
- (a) There shall be no customer access to the shop, and all sales shall take place at the night pay hatch;
 - (b) There shall be no use of the fuel pumps other than those on the two pump islands closest to the shop;
 - (c) There shall be no use of external lighting except the recessed lights set within the underside of the canopy above the two active pump islands;
 - (d) There shall be no use of the vacuum, air or water facilities; and

- (e) There shall be no deliveries to the site.
16. 24 hour opening is restricted to a 12 month period after opening. The applicant now proposes to make the 24 hour operation of the site permanent.
 17. A Noise Impact Assessment accompanies the application and assesses the acoustic impacts of the 24 hour use of the site and concludes that it does not cause harm to the amenities of local residents over and above the surrounding noisy environment (specifically vehicular traffic on Aylsham Road). Essentially, when measured in October 2018 the noise recorded at the site averaged 72dB with measured events ranging from 67-85dB. These recordings were similar to the recordings taken in March 2018, prior to the site being redeveloped and beginning to be operated 24 hours a day.
 18. The council has received a number of Environmental Health complaints and objections to this planning application which focus on the use of the loudspeaker system at night. Following discussions with the applicant, it became apparent that the loudspeaker had been accidentally left in the 'on' position so that neighbours could hear members of staff talking at the till during the night. This issue has now been rectified and the noise impact assessment confirms that there will be no further use of the system during the night except in the event of an emergency (i.e. a situation that poses an immediate risk to health, life, property, or the environment). For clarity, it is proposed that this is added to the condition which restricts activities during the hours 11.00pm-7.00am.
 19. The other issues raised within objections are considered to have been sufficiently covered by condition 5 below which restricts activities and operations during the hours 11.00pm-7.00am and, with one addition, replicates the restrictions on the current permission.

Equalities and diversity issues

20. There are no significant equality or diversity issues.

Local finance considerations

21. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

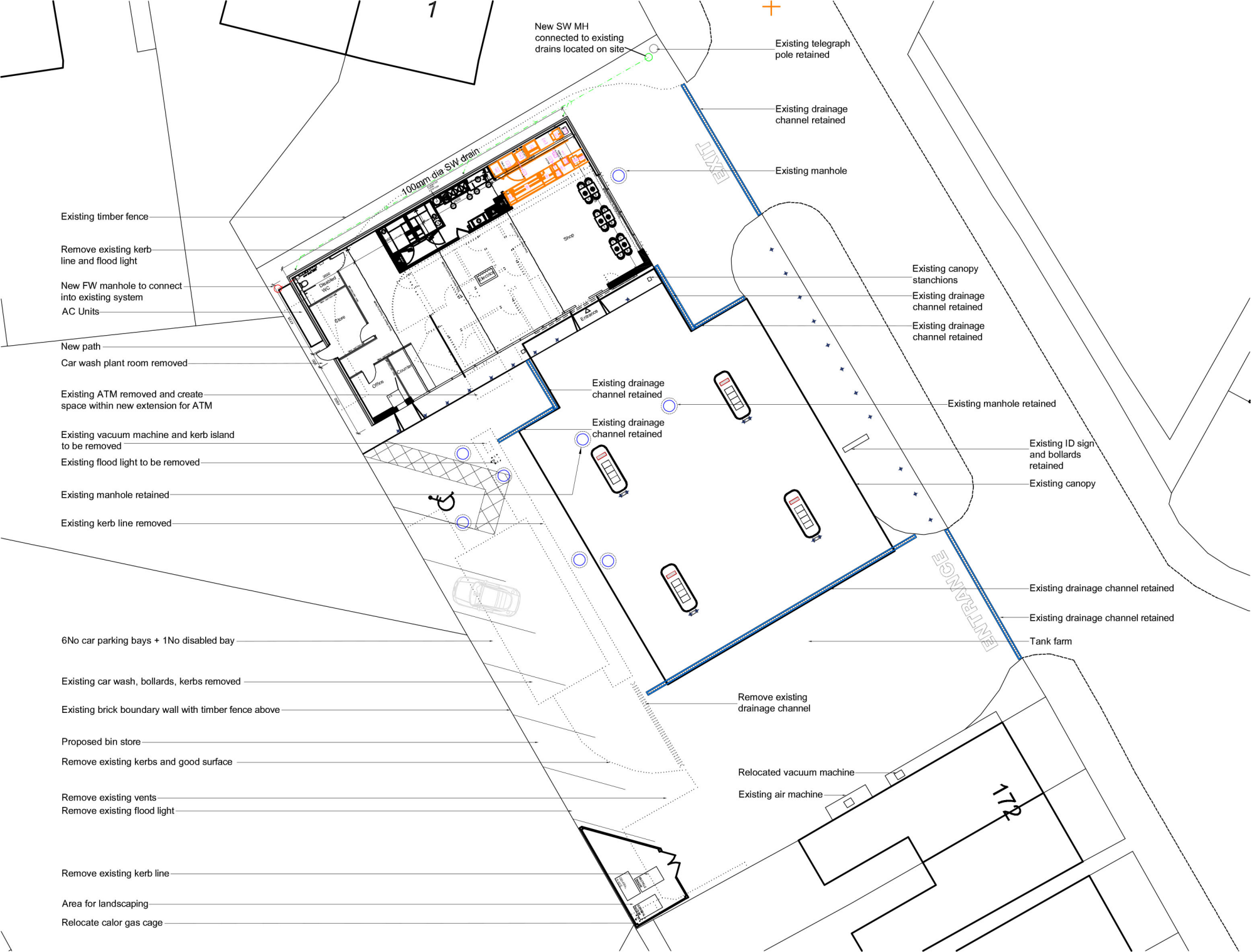
Conclusion

22. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no 18/01377/VC - 174 Aylsham Road, Norwich, NR3 2HJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with the landscaping details approved within application 18/00086/D, all hard and soft landscaping works shall be retained in perpetuity and shall be managed and maintained as set out within condition 3 of 17/01329/F.
4. The bicycle parking details approved within application 18/00086/D shall be retained in perpetuity.
5. Between the hours of 11pm and 7am on any day:
 - (a) There shall be no customer access to the shop, and all sales shall take place at the night pay hatch; and
 - (b) There shall be no use of the fuel pumps other than those on the two pump islands closest to the shop; and
 - (c) There shall be no use of external lighting except the recessed lights set within the underside of the canopy above the two active pump islands; and
 - (d) There shall be no use of the vacuum, air or water facilities; and
 - (e) There shall be no deliveries to the site.
 - (f) There shall be no use of the loudspeaker except in the case of an emergency (i.e. a situation that poses an immediate risk to health, life, property, or environment).



Existing timber fence

Remove existing kerb line and flood light

New FW manhole to connect into existing system
AC Units

New path
Car wash plant room removed

Existing ATM removed and create space within new extension for ATM

Existing vacuum machine and kerb island to be removed
Existing flood light to be removed

Existing manhole retained

Existing kerb line removed

6No car parking bays + 1No disabled bay

Existing car wash, bollards, kerbs removed

Existing brick boundary wall with timber fence above

Proposed bin store

Remove existing kerbs and good surface

Remove existing vents
Remove existing flood light

Remove existing kerb line

Area for landscaping
Relocate calor gas cage

New SW MH connected to existing drains located on site

Existing telegraph pole retained

Existing drainage channel retained

Existing manhole

Existing drainage channel retained

Existing drainage channel retained

Existing canopy stanchions
Existing drainage channel retained
Existing drainage channel retained

Existing manhole retained

Existing ID sign and bollards retained
Existing canopy

Existing drainage channel retained

Existing drainage channel retained

Tank farm

Remove existing drainage channel

Relocated vacuum machine

Existing air machine

C	22.11.17 JET WASH BAY REMOVED
B	14.11.17 JET WASH BAY REVISED
A	10.11.17 PARKING BAYS REVISED

REVISIONS

CLIENT MFG LTD

PROJECT FS217
BP BROADSIDE SERVICE STATION,
174 AYLSHAM ROAD,
NORWICH,
NR3 2HJ

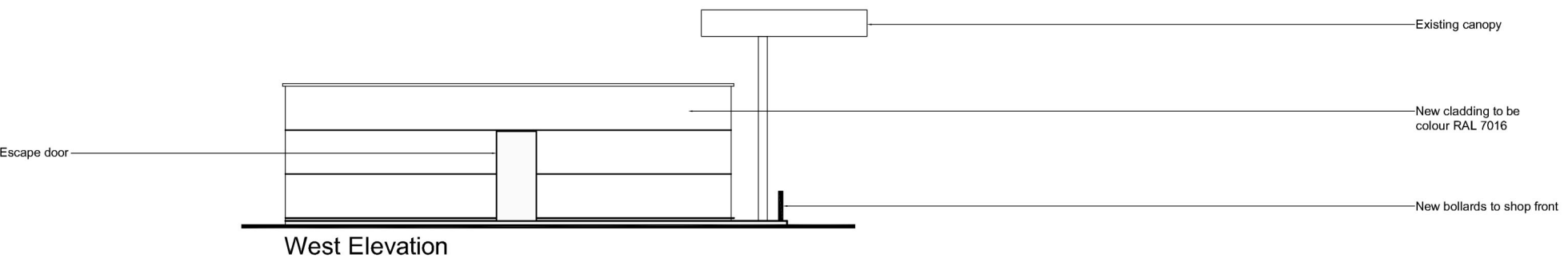
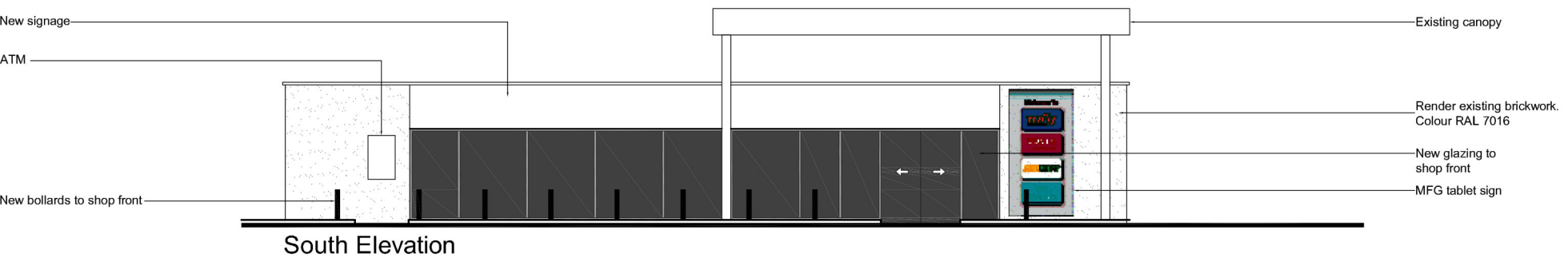
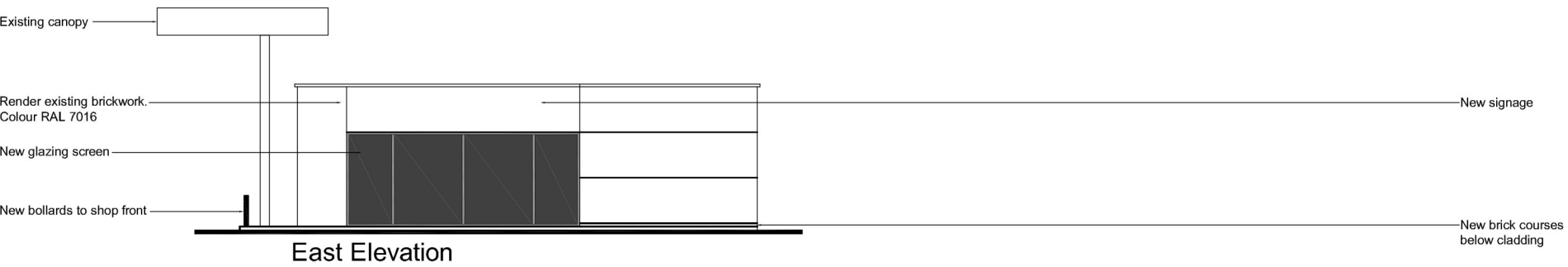
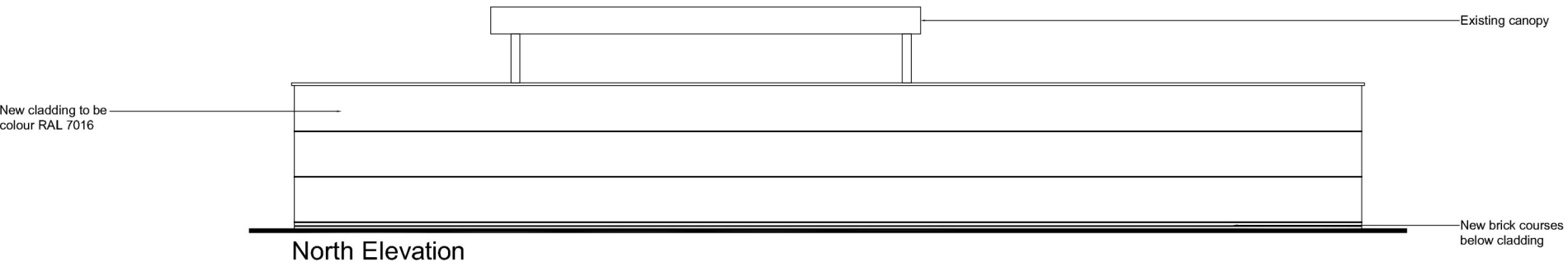
TITLE PROPOSED SITE PLAN

DATE 31.07.17

SCALE 1:200 @ A3

JOB ID 1507

DWG 6c



A 04.12.17
ELEVATIONS REVISED

REVISIONS

CLIENT MFG LTD

PROJECT FS217
BP BROADSIDE
SERVICE STATION,
174 AYLSHAM ROAD,
NORWICH,
NR3 2HJ

TITLE PROPOSED
ELEVATIONS

DATE 16.08.17

SCALE 1:100 @ A3

JOB ID 1507

DWG 7a